Planning & Zoning Memo

Date: October 9, 2026
To: Department of Housing and Urban Development
From: City of Fort Bragg
Re: Analysis of conformance of proposed HMC Project for HUD-assisted Projects (24 CFR Part 58), including conformance with the City of Fort Bragg's General Plan, Land Use Map, Zoning Code, and Design Guidelines per Environmental Assessment Factors [24 CFR 58.40].

Required Permits: Use Permit & Design Review
Applicant: Housing Mendocino Coast (HMC)
Property owner: Carine Succttee Thomas A
Location: 251 S Redwood Ave
APN: 008-172-09 (1.064 acres)
Zoning: General Commercial (CG)
CEQA Determination: Statutorily exempt from CEQA pursuant to section 15332 – Class 32 In-Fill Development Projects and 15192 Infill Housing Development.

1. PROJECT BACKGROUND

This parcel has been vacant for more than 50 years. The parcel has been for sale on many occasions over the years and it is currently in escrow with Housing Mendocino Coast (HMC). The parcel is mowed yearly by the current property owners.

Housing Mendocino Coast is a non-profit Community Land Trust that was started by the City of Fort Bragg in 2023 and spun off as a separate non-profit. The Land Trust affordable housing model includes the following key features:

- HMC would retain ownership of the underlying land and create condominium "air-right" lots which are sold to individual households and enable a household to obtain a mortgage and individual title to their units.
- HMC plans to sell each unit at an affordable price (such that mortgage payments make up no more than 30% of income) to a qualified moderate-income household. Moderate income households with incomes between 100 and 120% of the Area Median Income. The homes would be deed restricted for resale at an affordable price to the same level of affordability to another moderate-income households earning the same level of income (100 or 1120% of AMI).
- As relatively new organization HMC would construct one to three new units per year, as it will need to raise funds through the sale of constructed units and other

sources to construct each new unit.

- HMC has designed the project to have the look and feel of a single-family home community so that residents can take prideful ownership of their units and maintain them effectively and so that HMC can develop the project over time in phases.
- HMC would provide homeownership mentoring to households to ensure that each unit retains its value and is well maintained.

2. PROJECT DESCRIPTION

The project applicant proposes to construct a 12-unit project consisting of the following components:

- A mix of 12 two- and three- bedroom homes, ranging in size from 1,100 to 1,300 SF. Each unit has a private deck or porch and a private fenced yard.
- Five on-site parking spaces (2 EV-capable and 2 ADA accessible) and 2 bicycle spaces.
- 16,800 SF of private yard landscaping and 8,900 SF of common open space landscaping.
- An on-site stormwater management system that includes two infiltration planter boxes per unit, seven small infiltration bioswales, and one large infiltration bioswale.
- The project would also include installation of 1) sidewalk, curb, and gutter along the parcel boundaries that front Maple Street, and 2) water lines to serve the project through the alley.
- All units would be income-restricted for households earning 100-120% of the Mendocino County area median income. As an affordable housing project and applicant is requesting three planning incentives under State Density Bonus Law.

Figure 1: Site Location



3. GENERAL PLAN CONSISTENCY ANALYSIS - HOUSING POLICIES

As conditioned, the project would be consistent with all General Plan policies. The project is supported by and helps implement many housing policies of the General

Plan and the City's Housing Element as described below. Policies and goals are noted by italics. General Plan policies which are not housing specific are analyzed under the appropriate section heading on subsequent pages. The proposed project implements the following Housing Element policies:

Goal H-1 Provide a range of housing, including single-family homes, townhouses, apartments, and other housing types to meet the housing needs of all economic segments of the community.

Policy H-1.6 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.

The project includes 12 housing unit condos on an infill site.

Policy H-1.7 Workforce Housing: Encourage multi-unit housing developments in order to encourage market rate rental housing, affordable housing and lower cost ownership opportunities such as townhomes and condominiums.

HMC will develop 12 moderate income ownership opportunities which is geared towards the workforce.

Program H-1.7.8: Workforce Housing in Mixed-Use Zoning. Continue to allow workforce housing in all zoning districts that allow mixed-use development.

HMC will develop 12 workforce housing units in a mixed-use zoning district.

Goal H-2 Expand affordable housing opportunities for persons with special housing needs such as the elderly, the disabled, households with very low to moderate incomes, and first time home buyers.

HMC will develop units for first time homes buyers and two of the units will be ADA accessible.

Policy H-2.4 Increase Affordable Housing Development: Encourage the construction of housing units which are affordable to households with very low to moderate incomes.

The 12-unit project will be affordable to households earning moderate incomes.

Program H-2.4.1 Inclusionary Housing Ordinance: Continue to implement the City's Inclusionary Housing Ordinance.

The project includes inclusionary (moderate Income) home ownership housing for 100% of units.

Program H-2.5.9. Encourage and Support Land Divisions to Support Affordable Housing. The City shall encourage lot line adjustments and land divisions resulting in parcels sizes that facilitate multifamily developments affordable to lower income households on all sites

in the Vacant Land Inventory.

The proposed project is located on a site in the Vacant Land Inventory. The proposed condo map (subdivision) will allow individual home owners to obtain a loan based on air rights while leaving the parcel in HMC ownership.

Policy H-2.7 Housing for the Disabled and the Developmentally Disabled: Continue to facilitate barrier-free housing in new development. Continue to require that 10% of all units in multi-family projects be developed in conformance with Universal Design to achieve accessibility for the disabled and the developmentally disabled.

The project will include two ADA accessible residential units.

Policy H-2.9 First Time Home Buyers: Encourage affordable housing for first time home buyers.

HMC's affordable units are intended for first time homes buyers of limited means.

4. GENERAL PLAN CONSISTENCY ANALYSIS - LAND USE POLICIES

The General Plan includes the following definition for the parcel's Land Use designation:

General Commercial (CG). *General Commercial (CG). The General Commercial designation is intended for a less compact and intensive type of development than found in the Central Business District. Typical land uses in this designation depend more on vehicular than pedestrian access and include automotive and service-related outlets, retail sales, hardware, paint or carpeting sales, offices, apparel stores, and food stores. Shopping centers are allowed with approval of a conditional use permit. Residential uses are permitted as part of a mixed-use project above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre.*

As a multifamily project of less than 24 units per acre, the project complies with the density requirement. The applicant is seeking a State Density Bonus Law planning incentive to reduce the amount of retail required on the first floor. With the approval of the incentive the project will comply with the General Plan Land Use Designation (please see the incentive discussion on page 13.

The General Plan Land Use Element has only one policy that is relevant to the project:

Policy LU-3.5 Encourage Smart Growth: Locate new residential, commercial, or industrial development within, contiguous with, or in close proximity to, existing developed areas.

The project is a smart-growth urban infill project.

5. COMPLIANCE WITH ZONING STANDARDS

USE PERMIT. Per table 2.6 of 18.22.030, Multifamily developments are permitted with Use Permit approval in the General Commercial zoning district. A Use Permit is required and an analysis of the required findings for a Use Permit approval is included later in this report.

DEVELOPMENT STANDARDS. The proposed project complies with all required zoning standards for the High Density Residential. See Table 1, for specific standards and project details.

Table 1: Compliance with Zoning Standards			
Development Aspect	**Zoning Requirement (GC)**	**Proposed Project**	**Compliance**
Front setback	None Required	10 feet	Yes
Rear Setback	5 feet	10 feet	Yes
Side Setback	None Required	10 feet	Yes
Site Coverage	70%	51%	Yes
Height Limit	35 feet	28” feet	Yes
Floor Area Ratio (FAR)	No limitation	NA	Yes
Density	12 to 24 units/acre	12 units/acre.	Yes

6. SITE STANDARDS

Parking. Five on-site parking spaces are proposed for the project, and the applicant is requesting that the remainder of the parking be provided off site on the street fronting the parcel. The zoning code requires 1.5 spaces/unit, or 18 parking spaces total. However, two of the units can be categorized as ADUs (Section 18.42.170C2bii) in which case no parking spaces would be required for those two units (per ADU Section 18.42.170N1), which would reduce the total required parking to 15 spaces. The applicant has requesting Use Permit approval to allow 10 street parking spaces to serve the proposed development. This project site has 450 linear feet of street frontage, which can accommodate up to 22 parked vehicles. The applicant is proposing to meet ten of the required parking spaces through the granting of Use Permit approval. However, In order to approve a Use Permit to use off street parking for parking requirements, the project must meet the following conditions of approval per 18.36.040B1:

18.36.040B1. **Use of on-street parking - Exception**. Available on-street parking spaces cannot be used to meet the parking requirements identified in this Chapter. An exception to this provision may be granted according to the following procedure:

1. Criteria for approval. The Minor Use Permit may be issued if it meets all of the following criteria, in addition to the findings identified in § 18.71.060:

a. The maximum amount of parking which is feasible shall be provided on site.

b. The exception shall only be granted in situations where the Director, Public Works has determined that the exception will not result in potentially unsafe conditions for vehicles or pedestrians.

c. The Director of Community Development has determined that the project is located in an area of abundant on-street parking.

The proposed project can meet the criteria b and c, as the location has abundant on-street parking and the use of these vacant spaces would improve safety for pedestrians, as it would result in fewer curb cuts and driveways to accommodate parking on site. However, the project site can accommodate additional parking on site so it does not meet criteria a. Therefore, the applicant has requested the use of a planning incentive under density bonus law to utilize on-street parking for this project. Please see incentive discussion (page 13).

The proposed parking conforms with the ILUDC as follows:

- **ADA.** Two of the off-street parking spaces are designated as ADA spaces, and only one is required.
- **EV.** California's CalGreen code requires, for new multifamily projects, that 10% of parking spaces be EV-capable and 40% of parking spaces be EV-ready. All proposed parking spaces will be EV ready, and the ADA spaces will be EV-capable, so this requirement has been met.
- **Bicycles.** The applicant's site plan includes 2 bicycle parking spaces, as required, on the south side of the parcel in the common area.
- **Motorcycles.** One motorcycle parking space is required for every 50 vehicle spaces provided. None is required for this project.

Parking Lot Zoning Standards. The proposed project complies with all of the required standards for parking lots as noted in Table 2 below.

Table 2: Development Standards for Proposed Parking Lot

Develop-ment Standards	Requirements	Proposal
Parking Lot Visibility	Section 18.42.120D of the LUDC requires that "off street parking be located so that it is not visible from the street fronting the parcel."	Yes. The residential parking would be located on the alley behind proposed residential units.
Parking Space Dimensions	Ninety-degree angle parking should have a minimum space width of 9 feet and a minimum space depth of 18 feet.	Yes. The proposed parking lot offers 9-foot-wide spaces and a space depth of 18 feet.
Driveway width and depth	No driveway is required for small parking lots accessible from the alley with Director of Public Works approval.	Yes, the project includes 5 single space parking spaces that are accessible from the alley.

Parking Lot Landscaping	Per section 18.34.050C4a, Multi-family uses shall provide a tree every 25 feet along the parking area. Landscaping shall be located so that pedestrians are not required to cross unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.	The proposed site plan includes 972 SF of parking in five separate private lots, which are less than 25 feet in length and so no trees are required. Each home on the alley has a clear path of travel from the front door to the dedicated parking space. Each home of the street would have a path of travel (sidewalk) to their parking.

The project site plan complies with most of the site development standards for the parking lot.

Fencing & Screening. The applicant has proposed a 3 to 4-foot-high wood fencing to provide separate yard space for each unit. This complies with the zoning standards for fencing.

Landscaping. The submitted landscaping plan includes five accent trees. The applicant proposes to achieve the landscaping goals of the City by landscaping the common areas and allowing each homeowner to landscape their yard individually. This will result in a combination of unified and individual landscaping. The Homeowners will be required to landscape 50% of their yards with native spaces by the Mitigation Measure below. The preliminary landscaping plan for the common area is in compliance with the City's LUDC landscaping requirements and the open space policies of the General Plan as it provides a mix of trees, shrubs and ground covers in an attractive arrangement that is composed of 100% native plants. .

Table 5: Landscaping & Open Space	
	Landscaping
Common Open Space:	8,900 SF
Private Home Landscaping	Approximately 1,400 SF/Unit 16,800 SF Total
Total	**25,700 SF**

Mitigation Measure 1 is required to ensure that the private yard landscaping complies with the LUDC.

> **Mitigation Measure 1:** The applicant will submit a private yard landscaping plan, with each building permit for approval by the Community Development Director, that illustrates landscaping with native California trees shrubs and ground covers

for 50 percent of the proposed landscaped areas (excluding turf and patios).

General Plan Policy OS-2.2 prohibits the planting of non-native invasive plants. As conditioned no such plants are proposed form the project site.

> *Policy OS-2.2: Condition development projects, requiring discretionary approval to prohibit the planting of any species of broom, pampas grass, gorse, or other species of invasive non-native plants deemed undesirable by the City.*
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> **Mitigation Measure 2:** The applicant shall not plant or allow any volunteer growth of any species of broom, pampas grass, gorse, or other species of invasive non-native plants listed on the California Invasive Plant Council (CALIPC) website on the project site.

Lighting. The LUDC regulates outdoor lighting fixture height, energy efficiency and light spillover onto adjoining properties. The applicant has submitted light fixture specifications, and the selected lights are night sky compliant.

Solid Waste Recycling & Material Storage. The site plan does not include solid waste dumpsters. The applicant has indicated that solid waste will be handled individually by each homeowner using residential waste containers provided by the Solid Waste Company.

7. USE PERMIT ANALYSIS

LAND USE. Multi-family housing requires a Use Permit in the CG (General Commercial) zoning district. The Use Permit analysis is included here.

COMPLIANCE WITH MULTIFAMILY REQUIREMENTS
The Coastal LUDC section 18.42.120 includes specific standards for multifamily projects and the project's compliance with each standard is analyzed in the table below.

Table 4: Compliance with ILUDC Multifamily Standards

Standard	Requirement	Project	Complies
Accessory structures.	18.42.120 A. Accessory structures and uses (e.g., bicycle storage, garages, laundry rooms, recreation facilities, etc.) shall be designed and constructed with an architectural style, exterior colors and materials similar to the structures in the project containing dwelling units.	None are proposed	Yes
Building facades adjacent to	18.42.120 B. Building facades adjacent to streets. A multifamily project of 3 or more dwelling units	All of the facade of each building adjacent to a public street is 100% occupied by	Yes.

streets.	shall be designed so that at least 75% of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least 1 pedestrian entry into the structure.	habitable space with windows.	
Front Set Back Pavement	18.42.120 C. No more than 40% of the front setback area shall be paved for walkways, driveways, and/or other hardcover pavement.	None of the front setback is paved with drive isles.	Yes
Parking location.	18.42.120 D. Off-street parking for a multifamily structure of 3 or more units shall be located so that it is not visible from the street fronting the parcel.	All parking is located off the alley.	Yes
Open Space	Section 18.42.120 E of the LUDC does not require open space for multifamily projects located in a commercial zoning district. 3. Maintenance and control of common open space. Required common open space shall be controlled and permanently maintained by the homeowners association (HOA). Provisions for control and maintenance shall be included in property covenants of all common interest developments.	Public Open Space. The project includes 8,900 SF of common landscaped open space and none is required. Private Open Space. All units include a private porch and yard of approximately 1,400 SF each, which exceeds the private open space requirements. HMC will maintain and control the common open space.	Yes Yes Yes, with Mitigation Measure
Outdoor Lighting	Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with 18.42.120F	The applicant has not submitted a lighting plan.	Yes, with Mitigation
Storage	Section 18.42.120 G of the LUDC requires that multifamily projects provide a minimum of 100 cubic feet of storage space outside of the unit. However this minimum does not apply to multifamily projects located in commercial zoning districts.	This project is located in a commercial district and this requirement does not apply.	Yes

Universal Design	For projects of more than 10 units, 1 unit shall be designed according to the principles of universal design to ensure handicapped accessibility of the unit.	The project includes 2 units built as ADA units	Yes
Window Orientation	Section 18.42.120 J of the LUDC requires that windows that are 10 feet or less from another unit should be located to provide privacy between units.	All units are located more than ten feet from any other unit.	Yes

Mitigation Measure 3: HMC shall maintain and control the common open space of the project site.

Mitigation Measure 4. HMC shall submit an outdoor lighting plan to the Director of Community Development for review and approval prior to approval of the Building Permit.

Use Permit Findings Analysis. The Planning Commission must make the following findings to approve the Use Permit for a multifamily housing development in the RH zoning district.

1. The proposed use is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program;

As detailed in this report and as mitigated and incentivized through density bonus law, the project is consistent with the General Plan and Local Coastal Program.

2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;

The proposed use is allowed with Use Permit approval in the General Commercial Zoning District and, as conditioned and analyzed in this report, the use complies with the LUDC and the Municipal Code.

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

The vicinity includes a number of single-family residential homes on the east side of Franklin Street which are utilized either for residential or commercial use. There are also a couple of multifamily projects on the east side of Franklin Street. There are three nearly vacant parcels to the south which have two derelict single family homes and an abandoned six room hotel. To the west the project site is bounded by a two-story hotel, which acts as a sound barrier to noise from Highway 1. The proposed multifamily and mixed-use residential units would be compatible with current mix of uses in terms of design, location, size and operating characteristics.

4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.

The proposed site is a flat lot which is easily accessible to emergency vehicles. The project site can effectively access sewer, water and storm drain utilities from the site per the Public Works Department and as required by Mitigation Measures in this report. The proposed site plan provides for effective vehicular access from the alley. The project includes a professionally prepared stormwater management system that will infiltrate stormwater on site.

8. INCLUSIONOARY HOUSING ANALYSIS

The ILUDC requires inclusionary housing for projects of more than seven units. Thus, even though this project is an affordable project, inclusionary housing requirements still apply. The proposed project would be 100% affordable for home purchase and it exceeds the minimum affordability requirement (10%) for for-sale units of the City's inclusionary ordinance 18.32.0402a.

2. Developments that include more than 10 residential units to be sold shall include inclusionary units as follows:
    a. If 11 to 20 residential units, the applicant shall construct 10% of all new dwellings as inclusionary units, or complete an approved alternative equivalent action, subject to all requirements in compliance with this Chapter.

Therefore, the applicant must designate two of the units as inclusionary units which have specific legal requirements under the City ordinance, to ensure ongoing affordability and sale and resale limitations as described and mitigated below.

1. To ensure ongoing affordability of the two inclusionary housing units, the applicant must enter into an Inclusionary Housing Regulatory Agreement per section 18.32.080 with the City of Fort Bragg. The Mitigation Measure below sets the timing and process to enter into the regulatory agreement.

    Mitigation Measure 5. Prior to issuance of the Certificate of Occupancy, for the two inclusionary housing units, the City shall review for adequacy and the applicant shall record an Inclusionary Housing Regulatory Agreement per all of the requirements of section 18.32.080B with the City of Fort Bragg. The regulatory agreement will regulate two units as affordable to moderate income households, one shall be affordable to households earning 100% of Area Median Income and

the other shall be affordable to households earning 120% of Area Medium Income for a minimum of 15 years.

2. **Sale Priority for Inclusionary Units.** The Inclusionary Housing Ordinance includes a number of initial sale requirements for the two inclusionary units as enumerated in the Mitigation Measure below:

   Mitigation Measure 6. Sale of Units.

   a) The City must approve a household's eligibility prior to sale on an inclusionary unit.
   b) The eligibility of potential occupants of inclusionary units shall be determined on the basis of household income at the time of purchase as defined in chapter 18.32, the relationship between household size and the size of the available units, and any further criteria required by law and/or established by the City Council.
   c) The housing developer shall use an equitable selection method in compliance with State and Federal law. Selection from eligible households shall be based on the affordable housing priorities established below:

      Priority 1. Essential public service employees as defined in Article 10 (Definitions), City of Fort Bragg employees, or child care workers employed in Fort Bragg. If essential public service employees do not purchase the inclusionary units, the units shall be made available to other eligible Priority 1 applicants, prior to being made available to Priority 2 applicants.

      Priority 2. Other eligible households who live in Fort Bragg and who are also employed within Fort Bragg City limits. When the list of Priority 2 applicants is exhausted, units may be sold to Priority 3 households.

      Priority 3. Other eligible households.

3. **Resale Restrictions.** Per the inclusionary housing ordinance, resale of the two inclusionary units is restricted per the Mitigation Measure below.

   Mitigation Measure 7: Before offering an inclusionary unit for sale, the seller shall provide written notice to the Director of Community Development, by certified mail, of their intent to sell. The City or its designee shall be granted an option to purchase the unit for sale, with a maximum of 60 days to exercise the option, and a maximum of 120 days to conclude the purchase, in addition to the time for exercising the option.

9. DENSITY BONUS LAW CONCESSIONS AND INCENTIVES

Density Bonus Calculation. With current zoning, the project is eligible for a maximum of 24 units (24 units/acre X 1 acre).

Per Government Code 65915 (b) (1)(D) a project that includes *"ten percent of the total*

dwelling units of a housing development to be sold to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase" is eligible for a density bonus and planning incentives or concessions. Per Government Code 65915(f)(4), the applicant is eligible for a 50% density bonus for agreeing to provide 100% of units for sale at an affordable price to moderate-income households. Per State Density Bonus law, the applicant could build as many as 36 units. However, the applicant has requested 12 units (12 units/acre) and is not requesting a density bonus.

Per Government Code 65915 (d) (1) "*An applicant for a density bonus may submit, to the City, a proposal for the specific incentives or concessions that the applicant requests pursuant to Density Bonus Law. The City shall grant the concession or incentive requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:*

> *(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).*
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> *(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.*
>
> *(C) The concession or incentive would be contrary to state or federal law.*

Per government Code 65915 (d) (2) The applicant can receive *"three incentives or concessions as the project includes at least 30 percent of the units for persons and families of moderate income in a development in which the units are for sale."*

Density bonus law requires that for sale housing includes an equity sharing agreement unless it "is in conflict with the requirements of another public funding source or law or may defer to the recapture provisions of the public funding source." The applicant has not secured all funding for the project, therefore a Mitigation Measure is recommended. The following shall apply to the equity sharing agreement:

> **Mitigation Measure 8:** Unless a funding source restricts the equity capture provision, upon resale, the seller of one of the three "density Bonus law" housing units shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation, subject to the deed restriction subjecting the resale of the unit at an affordable price to a household earning the same level of AMI as the owner had when they purchased the unit.

Per Government Code 65915d (3) *The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. This subdivision shall not be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. This subdivision shall not be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section that shall include legislative body approval of the means of compliance with this section.*

Therefore, per State Density Bonus law, HMC requested the following three planning incentives/concessions:

1. "*HMC does not want to include commercial space on the first floor of every building fronting Franklin Street. HMC would like to provide no commercial space on the bottom floor of any units proposed for Franklin Street and Maple Street. This planning concession would result in an identifiable cost reduction as HMC would not have to build seven commercial spaces of 500 square feet each (3,500 SF of commercial space total). Most future homeowning clients of HMC would likely not want or be able to use. Additionally commercial space places unique challenges to acquiring a typical mortgage. The additional 3,500 SF of commercial space with seven ADA bathrooms and accessible doorways would cost an estimated $500/sf (as the project would be prevailing wage) and would cost HMC approximately $1.75 million, which is sufficient revenue to construct at least four of our housing units. As a non-profit HMC will not be able to obtain grant funds to construct commercial spaces, and so these funds would need to be raised directly from public donations. Therefore, strict adherence to this requirement would make the overall project infeasible. Even building two mixed use buildings, each with a 500 SF commercial space and ADA bathroom and access route will add $500,000 to the cost of the project, which is a significant burden to the overall feasibility of the project for the reasons mentioned above.*
2. *HMC would like a credit for the installation of a water line against the City's project Capacity Fees. The water line installation is estimated at $200,000. This cost can be partially offset by a capacity fee credit. A $200,000 infrastructure cost is roughly 50% of the cost to building an affordable for-sale unit for a Fort Bragg family and so is a cost burden on the project.*
3. *Accessory Structure Incentive. HMC is requesting that each homeowner be allowed, rather than HMC being required, to build an accessory structure (for solid waste and 100 cubic feet outdoor storage requirement) per unit. This will allow each homeowner to pay for and handle their own solid waste service and size their outdoor storage to their own needs. As a non-mandatory item this would allow each homeowner to avoid paying for an improvement that they don't need or want.*

The estimated cost of providing a 10 by 8 accessory structure for each unit is $20,000, which is sufficient to make some homes less affordable to some of our future homeowners. This amounts to $240,000 for 12 units which is a significant cost burden on the project."

However, since submitting this incentive request, HMC was advised that it does not need to use an inclusionary housing incentive to meet the outdoor storage requirement because this project is located in a commercial zoning district and outdoor storage is not required for multifamily projects located in commercial zoning districts. Furthermore, the applicant was notified that the project cannot meet the minimum requirements for Use Permit approval for the on-street parking Use Permit request. Therefore, HMC would like to modify incentive request number 3 as follows:

"3. On Street parking incentive. HMC would like to request the use of on-street parking to meet a portion of the project's parking requirements. The use of on-street parking allows HMC to provide private yard space to each unit, while preserving community feel of the project. Additionally, provision of on-site parking would require significant redesign of the project and cost approximately $15,000/space to construct resulting in a $150,000 in costs to the project. Additionally the project would likely have to eliminate one or two housing units to provide the required parking located in a parking lot at the back of the parcel as required by the zoning code"

These incentives can be approved based on the following findings:

1. The requested incentives are required in order to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set in compliance with Government Code Section 65915(c).
2. The concession or incentive will not have a specific adverse impact, as defined by Government Code Section 65589.5(d)(2), upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
3. The project is not feasible without the incentive.
4. The Fort Bragg City Council has identified affordable housing development as a top priority in the City's Strategic Plan and set a goal to develop 200 units of housing in Fort Bragg by 2026.
5. The State of California has passed regulations to streamline and facilitate the construction of market rate and affordable multifamily developments including regulations that limit the ability of local jurisdictions to deny multifamily housing projects based on subjective criteria and the requirement to provide housing incentives and density bonuses for project that include affordable housing. Statewide housing laws, such as Density Bonus Law, the Housing Accountability Act, and the Housing Crisis Act, apply in the coastal zone in

ways that are also consistent with the Coastal Act.

6. There are relatively few large parcels in Fort Bragg that support multifamily housing, as identified in the City's vacant parcel inventory. Most vacant parcels that can accommodate multifamily housing have an environmental constraint. This parcel does not have an environmental constraint.

10. SUBDIVISION AND CONDO MAP

The Community Land Trust model includes home-ownership by moderate income households. This allows each family to build limited equity and home ownership skills such as payment of mortgage, insurance and property maintenance. HMC provides a partnership model where the non-profit provides homeownership stewardship courses and assistance to ensure that minimum maintenance is achieved for the property. The Land Trust retains ownership of the underlying parcel. However, to obtain a mortgage each unit must have its own parcel number, therefore the project also includes the subdivision and recordation of a condo map for the property. The Condo map would allow each household to own the "air rights" for their home and yards above the property.

A project with 12 condo units requires conformance with standard map requirements and requires both a Tentative Tract Map and a Final Tract Map. As the condo project has more than 5 units, HMC will need to follow both the California Subdivision Map Act and consumer protection laws under the Davis-Stirling Common Interest Development Act.

Subdivision Map Act. The applicant will need to submit both Tentative & Final Maps. A Detailed Tentative Map is attached that was prepared by a licensed surveyor. The map includes all easements, grading, and utilities. If the tentative map is approved by the City Council, under the subdivision map act, HMC will have 36 months to satisfy all of map "conditions of approval" for example building public improvements and paying impact fees. Once all conditions of approval are met HMC may record the formal Final Map with the County Recorder.

California Davis-Stirling Common Interest Development Act. Additionally, the applicant will need to record the Condominium Plan & CC&Rs per the California Davis-Stirling Common Interest Development Act. To legally split the airspace into 12 sellable units, HMC must draft and record:

1. A Condominium Plan: a three-dimensional map that precisely outlines the boundaries of each individual airspace unit and the "common area" (e.g. community green space and walkways).
2. CC&Rs (Covenants, Conditions, & Restrictions) which is the legal framework to create the Homeowners Association (HOA), which details maintenance obligations, and assessment rules.

Per Government Code section 66427, the City does not have review or approval authority over the Condominium Plan and the City cannot refuse the approval of the tentative or the final map for the project if no condominium plan is included in the application (see section 66427b). The applicant will have some flexibility as to exactly where the

condominium plan will create air right until such time as it starts selling homes. However the location of all homes and improvements will need to comply with the approved site plan. The Department of Real Estate (DRE) will prepare a Public Report on the condominium which will include a review of the recorded Final Map, CC&Rs, HOA budget, and proof of utility completion to ensure that consumers are protected before sales begin. HMC will not be able to sell any units until the Public Report is prepared by DRE.

To ensure that all these tasks are completed, the following Mitigation Measures are recommended:

> **Mitigation Measure 9:** Prior to recordation of the Final Map, the applicant shall complete all conditions of approval that are relevant to the subdivision.
>
> **Mitigation Measure 10:** After recordation of the Final Map the applicant shall record Covenants, Conditions and Restrictions (CC&Rs) to enable the County Recorder to Create Individual Titles for each housing unit.
>
> **Mitigation Measure 11:** Prior to issuance of a Certificate of Occupancy, the applicant shall provide a DRE Public Report on the Condominium Plan to the Director of Public Works.

11. INFRASTRUCTURE

The City's Public Facilities Element of the General Plan includes the following policies relevant to this project.

> *Policy PF-1.1 Ensure Adequate Services and Infrastructure for New Development: Review new development proposals to ensure that the development can be served with adequate potable water; wastewater collection, treatment, and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal.*
>
> *Policy PF-1.2: All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.*
>
> *Program PF-1.2.1: New development shall be responsible for any improvements or extensions of infrastructure or the service capacity necessary to serve the development.*
>
> *Program PF-1.2.1: New development shall be responsible for any improvements or extensions of infrastructure or the service capacity necessary to serve the development.*

The discussion below illustrates that, as mitigated, the project complies with the above policies.

Capacity Fees. As analyzed and conditioned below, the 12-unit mixed-use project will be served by existing services. Per the Department of Public Works, the proposed project shall pay required capacity fees as outlines in the Mitigation Measure below:

> **Mitigation Measure 12:** Payment of Drainage, Water, Sewer, Police Facility and Fire Facility Capacity Fees will be required prior to issuance of the building permit. ***Estimated*** (Fees are shown below for the ten regular units, the two ADUs are exempt from paying capacity fees):
>
> a. Water Capacity Fees for 10 units is estimated at $24,040.
> b. Sewer Capacity Fees for 10 units is estimated at $19,800.
> c. Drainage Fee is estimated at $0.75 per SF of impervious surface. At 13,455 SF of impervious, the fee is estimated to be $10,360.
> d. Police Facilities Fees for approx. 12,495 SF of residential space is estimated at $4,223.
> e. Fire Facilities Fees for approx. 12,495 SF of residential space is estimated at $2,624.
>
> Actual fees will be determined at the time of building permit submittal and will be based on the fee schedule in effect at the time of submittal.
>
> **Mitigation Measure 13:** All materials, workmanship, and construction of the utilities shall conform to the City of Fort Bragg Standard Specifications or an approved alternate. All public improvements to drainage conveyance, sewer and water systems shall be dedicated to the City.

Water Supply. The City's ongoing need for water storage during severe drought conditions has been addressed by the construction of the City's Summers Lain Reservoir, which provides an additional 15 million gallons (MG) of raw water storage to help ensure a reliable water supply during the late summer months when flows are low at the City's three water sources.

On a daily basis, the City currently produces about 50 gallons of treated water per resident or 110 gallons per day per single family home. These units will likely utilize and equivalent amount of housing due to the outdoor yards. So the single-family residential use rate has been used in the table to estimate total water demand for this project.

Table 3: Water Budget Proposed 12-Unit HMC Project

Unit Size	Number of Units	Estimated Residents/ Unit	Total Water Use/ Year (gallons)	Total Water Use/Day (gallons)
3-bedroom	4	5	160,600	440
2-bedroom	8	3	321,200	880
Total	**12**	**44**	**481,800**	**1,320**

The 12 new units would serve a maximum of 44 residents, who would use a total of 481,800 gallons/year. This new project would increase water demand by less than a tenth of a percent (0.19%) for the City's Water Enterprise.

A number of new water systems have recently been added to the City's water system, which significantly exceed the new water demand created by the proposed project.

1. **Water Treatment Plant Upgrade.** The City's water treatment system was recently upgraded and has sufficient plant capacity to increase water production by an additional 102% (or double the amount of water currently utilized).
2. **Water meter conservation project.** This project started in 2021 will be completed in 2025 and result in conservation of 20 million gallons of water per year or 54,795 gallons per day.
3. **Raw Water Line Replacement.** The City has started construction to replace the raw water line from the unnamed creek on Simpson Lane to the raw water ponds. This project will be completed in 2025 and is designed to eliminate significant water leaks from the distribution system. This project will eliminate more than 1 MG of water loss/year from the raw water system or about 2,740 gallons per day.

Water Service. The project is currently served by a 4" water main located in the alley. However, a new water main may be needed to serve the project if the existing water main cannot serve it. The Public Works Department does not currently know if there is sufficient capacity in the existing water main and has identified two water main options to serve the project is the current main is inadequate as follows: 1) the applicant could install a new water main from the east Maple Street across Franklin Street to the project site; or 2) the applicant can install a water main in the alley from Hazel Street down the length of the alley between Hazel Street and Madron Street (two bloks). Public Works staff recommend the following Mitigation Measures:

> **Mitigation Measure 14:** If an independent analysis by a professional engineer determines that the existing water main in the alley is insufficient to serve the new development along with all existing connections, than a water main shall be extended to serve the property by the applicant. If feasible, the water main shall be looped into the existing water main through the alley on Madrone Street. Documentation of this analysis may be submitted at the time of the building permit.
>
> **Mitigation Measure 15:** Prior to the issuance of the building permit, the final utility hookup configuration shall be approved by the Public Works Director or designated staff.
>
> **Mitigation Measure 16:** The exact location of the Utility hookup configuration in the City right of way shall be approved by the by the Public Works Director or designated staff at the time of review of the encroachment permit application.

Mitigation Measure 17: The applicant shall provide documentation that water pressures can be achieved or that they have a means (via pressure pump, tank, etc.) for enhancing their system to meet water pressure standards. Documentation may be submitted at the time of the building permit.

Mitigation Measure 18: Connection fees will be assessed if the project utilizes City forces to install water or sewer services. Fees will be based on the size and the distance of the connection and will be charged the rate in effect at the time of the building permit submittal.

Mitigation Measure 19: If the contractor installs the connection to the City water main, the work must be overseen by a certified distribution operator and all work shall be performed in compliance with water main construction standards and guidelines, including providing sufficient notice.

Mitigation Measure 20: An approved backflow device will be required on all service connections. Contact Heath Daniels at (707) 813-8031 for specific backflow information.

Wastewater. The City's Wastewater Treatment Plant was significantly updated in 2016 and has sufficient capacity to serve the new development.

Mitigation Measure 21: Prior to issuance of a grading permit or building permit, the developer shall meet the following requirements:

a. Sewer cleanouts will be required on all laterals per City Standard 309-310.
b. New wastewater laterals shall connect the development to the constructed sewer main, to the satisfaction of the Director of Public Works.
c. Payment of Connection fees and Capacity fees shall be made prior to the issuance of the building permit.

12. CIRCULATION

The Circulation Element of the City's Inland General Plan contains the following relevant policies:

Policy C-2.1 Level of Service Standards: Establish the following Level of Service (LOS) standards for Side Street Stop Sign Controlled Intersections Along Highway One (Side Street Approach) are: LOS D, or LOS F if there are less than 15 vehicles/hour left turns plus through movements from the side street and the volumes do not exceed Caltrans rural peak hour signal warrant criteria levels.

Policy C-2.2 Coordinate Land Use and Transportation: Ensure that the amount and phasing of development can be adequately served by transportation facilities.

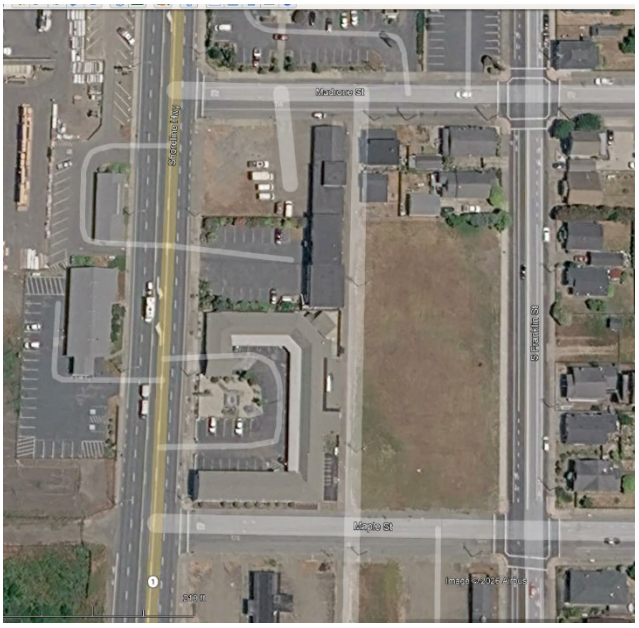
Program C-2.2.1: Review development proposals for their direct and cumulative effects on roadway Level of Service standards. During the development review process, City staff will determine whether traffic studies need to be carried out and the scope of such studies.

Policy C-10.2 Bus Shelters: Encourage attractive, well-lighted, and comfortable bus shelters placed in convenient locations.

Policy C-11.1 Continuous Sidewalks: Require an uninterrupted pedestrian network of sidewalks, with continuous sidewalks along both sides of streets. New development shall provide sidewalks along project frontages to close gaps in the City's sidewalk network.

The discussion below illustrates that, as mitigated, the project complies with the above policies.

Current Conditions. The HMC project would be served by the following streets and intersections:



- The SR 1 (Main Street) / Maple Street intersection is a "tee" controlled by a stop sign on the Maple Street approach. A continuous turn lane is present on SR 1. The westbound Maple Street approach is a single travel lane, and a crosswalk is striped across the Maple Street approach. Streetlights are available on each corner.
- The Maple Street / Franklin Street intersection is a two-way intersection controlled by a stop sign on the northbound and southbound Maple Street approaches. Each approach has a single travel lane. A crosswalk is striped across the south Franklin Street leg, and across both maple street legs. There is a streetlight on the northeast corner.
- The Madrone Street / Franklin Street intersection is a two-way intersection controlled on the Madron street approaches. Crosswalks are striped across each leg of the intersection, and there is a streetlight on the southeast corner.

Traffic Study & Level of Service. The City's General Plan still requires the City to consider LOS when considering new projects, although this standard has been dropped in most communities in favor of Vehicle Miles Travelled (VMT). Per the General Plan the LOS at "the side street stop sign controlled intersections with Main Street are operating at LOS B or better for traffic traveling on Main Street, although traffic turning onto Main Street from some side streets can experience LOS D, E, or F during peak hours." The Coastal General Plan allows

"an LOS D, or LOS F"[1] for side street stop sign controlled intersections with Main Street if there are less than 15 vehicles/hour left turns plus through movements from the side street and the volumes do not exceed Caltrans rural peak hour signal warrant criteria levels. The proposed project traffic would access main street traffic from a side street stop sign controlled intersection. Caltrans was contacted about the potential impact of the project on highway 1, and Caltrans indicated that the project is too small to warrant concerns regarding traffic safety, traffic cuing, pedestrian safety or bicycle safety.

Per the Institute of Transportation Engineers (ITE) publication "Trip Generation, 10th Edition" the proposed multifamily project would generate 0.54 vehicle trips/unit during peak travel hours or 6.4 vehicle trips total for the 12-unit project at peak hours. Additionally, this residential apartment project would generate less than 48 vehicular trips per day per the ITI Trip Generation Manual, and this is an insufficient traffic load for the project to impact Level of Service at any of the intersections, therefore the project will not exceed current LOS limits per Policy C-1.3 of the General Plan. And Per Policy C-2.2.1 Public Works staff determined that a traffic study was not warranted for this project as it would not impact levels of service on highway 1 or Franklin Street. The purpose of a Traffic Study is to determine if new traffic control/safety measures are warranted and none would be warranted by the proposed project.

Bus Stop. Per Policy C-10.2 the applicant should work with MTA to determine if a bus stop is warranted by the new development and the following mitigation measure is recommended.

> **Mitigation Measure 22:** The applicant shall work with MTA to determine if the addition of a transit stop at the property is warranted and feasible. If a transit stop is feasible and desirable the applicant shall install a bus stop on the sidewalk at a location per the request of MTA prior to final of the building permit.

Sidewalks. The proposed project will require frontage improvements along Maple Street to comply with Section 18.30.090 of the LUDC and General Plan Policy C-11.1, including: installation of sidewalk, curb and gutter along the project frontage on the south side of the parcel. Mitigation Measures are recommended below to address this deficiency.

> **Mitigation Measure 23:** Prior to the recordation of the Condominium Map, the following public improvement will be completed by the applicant per the direction of the Director of Public Works and according to City standards:
>
> a) Frontage improvements (sidewalk, curb and gutter) will be required the length of Maple Street between the alley to Franklin Street.
> b) The developer shall submit to the City Engineer improvement drawings for the required sidewalk improvements. The plans shall be drawn by,

[1] LOS "A", "B" and "C" are considered acceptable to most motorists, while LOS "D" is marginally acceptable. LOS "E" and "F" are associated with severe congestion and delay and are unacceptable to most motorists.

and bear the seal of, a licensed Civil Engineer.

c) All frontage improvements (ADA compliant driveway aprons, corner ramps, sidewalk, curb, gutter, conform paving, etc.) shall be designed and constructed according to current City Standards.
d) An encroachment permit will be required for any work in the public right of way. Please submit the application at least 2 weeks in advance of the proposed activity to allow sufficient time for processing.

13. STORMWATER

The General Plan includes the following storm water policies that are relevant to this project:

- Policy OS-6.1 Pollution in Runoff: Ensure protection of water resources from pollution and sedimentation.

- Policy OS-6.2 Minimize Introduction of Pollutants: Development shall be designed and managed to minimize the introduction of pollutants into estuaries, wetlands, rivers and streams to the extent feasible.

- Policy OS-6.3 Minimize Increases in Stormwater Runoff: development shall be designed and managed to minimize post- project increases in stormwater runoff volume and peak runoff rate, to the extent feasible.

SHN has prepared a stormwater management plan for the project which differs slightly from the submitted site plan as some of the parking spaces have been moved. The SHN submitted plan includes the following features:

- Two stormwater bioswales (one on the north side of the property and another on the south side of the parcel. The bioswales have been sited and designed to infiltrate stormwater from an 80th percentile storm on site.

- Two infiltration planters are proposed for each house, to further infiltrate stormwater on site.

- One bioswale is proposed for each parking stall on the west side of the property.

Mitigation Measure 24: A final Stormwater Management Plan shall be submitted to the City of Fort Bragg for review and approval that shall include an Operations and Maintenance Plan for all regulated project components by the State NPDES Phase II MS4 and shall match the project Site Plan.

14. HAZARDS

Geologic Hazard. The site is located 1,300 feet inland from the coastal bluff overlooking Fort Bragg Harbor. A geotechnical study was prepared by Jim Glomb for the project. Key findings of the geotechnical study include the following:

- The on-site soils were examined with exploratory test pits which found that the surface of the site is 1.5 to 2 feet of dry, loose to medium dense silty fine sand that was locally porous. Underlying the fill and topsoil was old alluvial soil consisting of slightly moist to moist, dense to very dense fine to medium grained sand.
- Based on the site observations, lab testing and field testing, the engineer concluded that the soils encountered at the site of the planned improvements have a generally low expansion potential.
- Active faults, as defined by the Alquist-Priolo Earthquake Fault Zoning Act of 1972, are not present on the site. The closest Alquist-Priolo active fault trace is the San Andreas Fault, located offshore about 6 miles west of the site.

The report concludes as follows: "Based on our investigation, we judge that development of the site as planned is feasible from a geotechnical standpoint. The primary geotechnical concerns are (1) the presence of localized loose fill and surface soils; and 2) the potential for ground shaking at the site from seismic activity."

The report included recommendations with regard to seismic design factors, clearing and stripping, over excavation, subgrade preparation, reuse of on-site soils as engineered fill, foundation design and construction, consideration for differential settlement, utility trenching, slab on grade floors, flatwork, driveways and parking areas, and drainage. The Mitigation Measure below will ensure conformance with all requirements.

> **Mitigation Measure 25:** The applicant shall follow the recommendations of the geotechnical report for all design and construction specifications and shall implement all recommendation related to required special inspections, grading and construction activities.

Flood Hazard. According to Federal Emergency Management Agency (FEMA), flood insurance maps the project site is located outside the 500-year flood plain. No flooding concerns are raised relative to the project.

Fire and Life Safety. The Fire Marshal reviewed the project plans and did not issue a statement of concern regarding fire and life safety. Fire Code requirements will be incorporated in the construction plans as necessary during the building permit review by the Fire Marshall. The new building code requires that all buildings have sprinkler systems, a monitored alarm system, and parking and driveway areas navigable by fire trucks and other emergency vehicles.

> **Mitigation Measure 26:** On-site fire protection shall be installed as required by the

Fire Marshal. Final utility configuration shall be approved by the Public Works Director or designated staff. The applicant shall ensure adequate pressure and flow to the subject site to provide fire suppression flows. A fire hydrant shall be installed if required by the Fire Marshal.

Occupancy Noise. The City's Noise Element in the General Plan notes that the existing noise levels in this neighborhood are consistently below 50 decibels. This was confirmed with an onsite noise reading.

Per the Coastal Geneal Plan:

- Residential uses are allowed to have an exterior noise exposure, with less than 60 dB considered preferable while up to 75 dB is conditionally acceptable.
- Noise studies are only required for projects with "noise environments that are conditionally acceptable."

This project is not located in an area that is "conditionally acceptable" nor would it cause noise to neighboring uses that would be "conditionally acceptable" e.g. between 60 and 75 dB, therefore a noise study was not required for this project.

Noise from this project will consist of typical residential noises such as intermittent noise from vehicle use, lawnmowing, and outdoor socializing, which are typical for residential neighborhoods, and which will blend into the background noise of 50-60 dB. Noise level criteria do not consider single event noises such as ambulances, train horns or helicopters.

Construction Noise. Construction noise is regulated by the City's noise ordinance in the Municipal Code.

> *"Between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day, it is unlawful for any person within a residential zone, or within a radius of 500 feet therefrom, to create, cause to be created or maintain sources of noise which cause annoyance or discomfort to a reasonable person of normal sensitiveness in the neighborhood."*

The Mitigation Measure below is recommended to ensure that construction noises do not impact residences during the evenings.

> **Mitigation Measure 27:** Construction activities shall occur only between the hours of 7:00 am and 7:00 pm.

15. DESIGN REVIEW

The immediate neighborhood is composed of a mix of multifamily and single-family residential development as illustrated in the photos below:

Image 1: Housing on north east side of Franklin Street.



Image 2: Housing on south east side of Franklin Street.

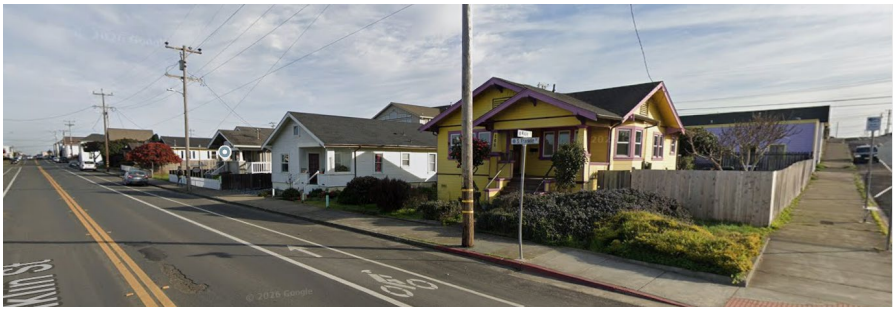
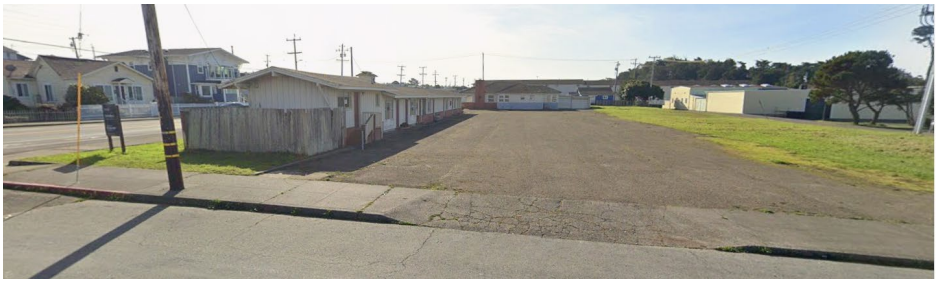


Image 3: View of Parcel to the West with hotel behind.



Image 4: View to the South



The Citywide Design Guidelines provide guidance for Design Review of multifamily projects. State law limits the application of design review criteria for multifamily projects **to non-subjective quantitative criteria only**. Each relevant quantitative guideline which was adopted by City Council is detailed in the table below, along with a description of how the project conforms to the quantitative guideline and any Mitigation

Measures required for conformance.

The design guidelines allow the City to approve design review if the applicant conforms with all but three of the required components for multifamily developments. Therefore, the applicant has requested noncompliance with the following two requirements as they are not congruent with HMC's vision for the project.

- C.1 Lighting. Provide an exterior lighting plan that illuminate unit entries, driveways, walkways, and parking areas.
- E1 Site Amenities. Children's play areas. Play areas should be visible from at least 20% of units. All play areas shall be fenced when adjacent to a street or parking lot. Each play area shall include play equipment with at least two activities (such as a slide and a swing) and a bench or picnic table.

Compliance with Citywide Design Guidelines

Relevant Quantitative Design Guidelines	Project Compliance
A. Building Orientation & Structure	
1. If south facing solar access is available, design shall include passive solar design strategies for space heating through the placement of windows on the south elevation, and the total window square footage should be equal to 7% -15% of the building's floor area.	**1.** The project takes advantage of south facing solar for all units in terms of roof orientation, placement of windows and placement of porches and decks. The total window SF is between 6% and 8.5% of the floor area of each unit depending on the house model. The average is slightly more than 7%.
2. ★Buildings adjacent to and fronting streets shall have at least one residential entrance and at least four windows that face each street. Seventy-five percent of street-facing floor space must be occupied.	**2.** All homes have a residential entrance and four or more windows facing the street. All street facing floor space is occupied, except for the mixed use units which require commercial on the street facing bottom floor.
3. ★Structures longer than forty feet shall include at least two of the following on all facades visible from public right of way: building projections, projecting ribs, reveals, change of roof plane, cornices, and/or change of wall planes.	**3.** None of the proposed homes are longer than 40 feet.
4. Sites with multiple buildings should configure the buildings around at least one central courtyard, gathering area, and/or open space.	**4.** The proposed building are organized around a central green with play equipment and a picnic table

B. Architectural Details, Elevation, Windows and Doors 1 ★ Front entry design shall incorporate two or more of the following: front porch or stoop; recessed doors, archways, or cased openings, canopies, decorative detailing or art, small roof element above the entrance, architectural elements such as columns or decorative lighting fixtures, and/or changes in the roofline 2 ★Elevations, visible from the public right of way, shall include at least three of the following architectural details throughout the first floor: door bays, window bays, awnings, arcades, trellises, building base articulation, water-table, a change in materials or a change in colors. 3 Windows shall be detailed with at least one of the following: accent trim, sills, shutters, window boxes, divided lights and/or mullions.	1. Each residential unit has a front entry with a porch. **2.** Each unit will have changes in color visible from the public right of way. **3.** All windows are detailed with accent trim.
C. Roof Form 1 Buildings shall include south-facing roof planes that are large enough to accommodate photovoltaic (PV) panels to meet 50% of the building's energy needs. 2 Roofs shall be gable, hip, Dutch, gambrel, butterfly, sawtooth, stepped gables, parapet and/or shed roofs individually or in combination. Flat roofs are permissible for 50% or less of the entire roof area. Parapet roofs shall include a cornice with one or more of the following: brackets, molding, dentils, frieze, medallions. 3 ★Horizontal eaves longer than thirty feet (30') shall be broken up by gables, building projections, cupolas, dormers or other break in the roof plane. 4 Roof eaves shall extend at least 12" from primary wall surface, or roof eaves shall extend a minimum of 6 inches from the primary wall surface and the project shall utilize rain screens or similar technology. 5 The project shall use one or more of the following roofing materials: non-reflective standing seam metal roofs, cool foam roofs (EPDM), clay tile, and/or architectural composition shingles.	1. The project design emphasizes passive solar gain with many windows located on the south building facade. The long access of the building points east west to maximize solar exposure on the south elevation of the building and to ensure that there is sufficient roof area to meet all the energy needs of each unit. 2. All roof forms are gable roofs. 3. There are no horizonal eves of longer than 30 feet. 4. roof eves extend 18" from the walls. The project will utilize rain screens. 5. The units will be roofed with architectural composition shingles. 6. No roof mounted equipment is proposed.

6 ★Roof-mounted equipment shall be screened from the viewshed of project tenants and from the public right of way.	
A. Materials 1 ★Buildings of more than 10,000 SF shall use at least three different materials/finishes to enhance the lower facade, upper facade, and entryways. 2 ★The following materials may be used together or alone on a building's façades: horizontal, vertical, shingle, board and batten in solid wood and/or fiber cement siding; stone veneer; natural stone and brick; and/or smooth or hand troweled stucco. 3 The following materials may be used as accents on a building's façades but shall comprise less than 30% of the facade frontage: formed concrete, steel, glass block, tile, vinyl siding, unfinished metal and/or architectural metal siding. 4 The following materials are not permissible on street facing facades: textured/rough stucco, concrete block, slump rock, and/or highly tinted, reflective, or opaque glass. 5 Natural materials (brick, stone, copper, etc.) shall be left in their natural colors. These materials should have a profile of at least two inches.	1. The maximum building size is 1,300 SF. 2. The project proposes to use fiber cement siding with the look of horizontal, vertical, shingle, board and batten for different exterior elements of the different units. 3. The project does not propose to use any of the listed accent materials. 4. The project does not propose to use any of the impermissible materials. 5. The project does not propose to use any of the listed natural materials.
B. Colors 1 Proposed colors shall be approved ministerially by the Community Development Director. 2 No fewer than two and no more than four colors may be used on any given façade. This includes any “natural” colors such as unpainted brick or stone. Buildings of more than 15,000 SF shall have at least three colors on all facades visible from a public street. The three colors shall include a primary base color on the first floor, secondary color on upper stories and a trim color. Darker colors should be used on the lower façade. 3 ★Colors proposed for projects located in the coastal zone shall use only natural earth tones	1. The applicant has submitted colors for approval. 2. All building facades will include at least two colors. 3. The project is not located in the Coastal Zone.

of beige, tan, brown or green for building exteriors visible from the public right of way.	
C. Lighting 1 Exterior lighting shall illuminate unit entries, driveways, walkways, and parking areas. 2 ★All external lighting shall be partial or full cutoff and dark sky compliant. Exterior lighting shall be located and specified so that it shall not shine directly onto nearby properties.	1. Applicant requests exception from this guideline. 2. Full cutoff night sky compliant lighting has been specified.
D. Landscaping 1. 50% of all proposed trees, shrubs and plants shall be native to the Northern California coast. The project shall not include any plants listed as non-native invasives by the California Invasive Plant Council.	1. The applicant has proposed that each homeowner would be allowed to select and install landscaping around their unit, as it increases the likelihood that the plants will be well cared for. All proposed trees and shrubs for the common area will be 100% native, which will ensure that this requirement is met.
E. Site Amenities 1 Children's play areas. Play areas should be visible from at least 20% of units. All play areas shall be fenced when adjacent to a street or parking lot. Each play area shall include play equipment with at least two activities (such as a slide and a swing) and a bench or picnic table. 2 Fences. Fences or fence-walls of more than 50 ft in length provide a change in height, materials, embellishments, step backs or gates, every 30 feet in fencing length. 3 Open Space. Projects of more than 11 units shall include open space per Section 18.42.120E. Open space areas shall be internal to the project site or protected from the noise and traffic of adjacent streets or other incompatible uses with a fence and landscaping. Fifty percent of the open space area should have access to direct sunlight for at least four hours a day. 4 Pass Through & Plazas. For projects located on a parcel of 2 acres or more, the project shall include at least one pedestrian pass-through or plaza. 5 Screening. All screening of ground-mounted, wall-mounted, and roof-mounted equipment shall be painted in accordance with the	1. The outdoor common spaces are located in the middle of the parcel and are visible from 100% of the units. However the applicant has not identified a Play Area and requests that this not be applied to the project as one of the three guidelines that can be requested. 2. Fences visible from the public right of way will be built by future home owners as part of their sweat equity to the project. Fences will be 3 or 4 feet in height and follow one of four alternative designs. This will ensure a change in height, materials and embellishments. 3. The proposed Open Space meets all these requirements. 4. The proposed parcel size is 1 acre so this requirement does not apply.

approved color palette for the project. Visual screening is required where ground-mounted or wall-mounted equipment faces the street. 6 ★Addressing & Orientation. Building numbers and individual unit numbers shall be readily visible, in a consistent location, and well-lit at night. Projects of more than ten units shall include internal pedestrian circulation signs and a directory that shows the location of buildings and individual dwelling units within the development. 7 Mailboxes. Mailboxes shall be located in or adjacent to the apartment's main entrance. If a stand-alone structure is provided for common mailboxes, the structure shall be painted using the same color palette as the overall development.	5. No screening is proposed. 6. No addressing is proposed. See Mitigation measure below. 7. Each unit will have its own mailbox on its porch. Porches will be painted with the same overall color scheme as the house.
F. Additional Design Standards for Mixed Use Projects 1 Separate pedestrian entrances shall be provided for the residential uses of a mixed-use building. 2 Residential entrance(s) shall be oriented toward the street, a shared internal walkway, and/or a shared courtyard, playground, open space or park.	1. Separate pedestrian entrances are proposed for the residential component of the two Mixed Use buildings. 2. The residential entrances are oriented to Maple Street, Franklin Street, the alley and the shared open space.

Mitigation Measure 28: Addressing & Orientation. The applicant shall submit an addressing plan that includes individual house unit numbers which are readily visible, in a consistent location, and well-lit at night. The plan shall include an internal pedestrian circulation sign and a directory that shows the location of individual dwelling units within the development.

16. CEQA DETERMINATION

The project is exempt from CEQA review under sections 15332 Infill Development and sections 15192 & 15195 – Infill Housing Development. All Sections are cited below with side-by-side analysis of the project's compliance with the threshold criteria for each exemption.

§ 15192. Threshold Requirements for Exemptions for Residential Infill Projects.
In order to qualify for the exemption, set forth in sections 15195, an infill housing project must meet all of the threshold criteria set forth below.

Code Section	Compliance Analysis
(A) The project must be consistent with: 1. Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete; and 2. Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete, unless the zoning of project property is inconsistent with the general plan because the project property has not been rezoned to conform to the general plan.	The subject parcel has a General Plan land use designation and Zoning Code Designations of General Commercial, which allows multifamily development with a Use Permit and ground floor commercial fronting the primary street. The applicant is requesting a Density Bonus law incentive to reduce the amount of ground floor retail to 1,000 SF. If the City Council approves this incentive then the project complies with the General Plan and Land Use Code. The project conforms to General Plan policies and zoning regulations.
(B). Community-level environmental review has been adopted or certified.	The City adopted an EIR for the General Plan and Land Use and Development Code in 2006.
(C). The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.	As analyzed in the Staff Report the project site can be served by existing utilities.
(D). The site of the project: (1) Does not contain wetlands, as defined in Section 328.3 of Title 33 of the Code of Federal Regulations. (2) Does not have any value as an ecological community upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection. (3) Does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and	The project site does not contain wetlands. The Project Site is covered with ruderal grasslands. The project site has limited value for habitat and is not known to provide habitat for endangered, rare or threatened species.

Game Code. (4) Does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.	The City does not have an ordinance that protects non-native species from removal.
(E) The site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.	A phase I environmental report was prepared for this project and no historic contamination issues were identified. The site is not listed on any DTSC or RWQCB list of facilities or sites requiring remediation or in violation of a cleanup order. The site does not have any known contamination.
(F) The site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps have been taken in response to the results of this assessment: (1) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements. (2) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.	See above.
(G) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.	The project is a vacant site that has no record of prior development, therefore it will not have any impact on historic resources. .

(H) The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.	The project is not located in a wildland fire hazard area.
(I) The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.	The project is surrounded by commercial development and single-family residential uses, none of which pose a risk of fire or explosion.
(j) The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.	As a vacant field in an urban area, the site does not present a public health risk exposure of any type.
(k) Either the project site is not within a delineated earthquake fault zone or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard.	The State building code includes structural requirements to mitigate seismic hazards. The Geotech report completed for this project did not identify and seismic or soils issue that would result in specific earthquake or seismic risk.
(l) Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.	The project site is not located within a flood zone or any other restrictive zone.
(m) The project site is not located on developed open space.	The site is not designated as or developed as open space.
(n) The project site is not located within the boundaries of a state conservancy.	The site is not located in a state conservancy.
(o) The project has not been divided into smaller projects to qualify for one or more of the exemptions set forth in sections 15193 to 15195.	The project is being evaluated in its entirety.

Section 15195 In-Fill Housing Development Exemption Analysis

CEQA Guideline Section 15195 identifies a categorical exemption for projects characterized as infill housing development. This exemption is intended to promote housing infill development within urbanized areas. The analysis that supports this exemption is in the table below:

Code Section	Compliance Analysis
(a) Except as set forth in subdivision (b), CEQA does not apply to any development project that meets the following criteria:	

(1) The project meets the threshold criteria set forth in section 15192; provided that with respect to the requirement in section 15192(b) regarding community-level environmental review, such review must be certified or adopted within five years of the date that the lead agency deems the application for the project to be complete pursuant to Section 65943 of the Government Code.	See above analysis.
(2) The project meets both of the following size criteria: (A) The site of the project is not more than four acres in total area. (B) The project does not include any single level building that exceeds 100,000 square feet.	The project site is 1 acre. The buildings total 12,495 SF
(3) The project meets both of the following requirements regarding location: (A) The project is a residential project on an infill site. (B) The project is within one-half mile of a major transit stop.	The project site is a residential project on an infill site. A major transit stop at the Hospital is located 0.5 miles from the proposed site.
(4) The project meets both of the following requirements regarding number of units: (A) The project does not contain more than 100 residential units. (B) The project promotes higher density infill housing. The lead agency may establish its own criteria for determining whether the project promotes higher density infill housing except in either of the following two circumstances: 1. A project with a density of at least 20 units per acre is conclusively presumed to promote higher density infill housing. 2. A project with a density of at least 10 units per acre and a density greater than the average density of the residential properties within 1,500 feet shall be presumed to promote higher density infill housing unless the preponderance of the evidence demonstrates otherwise.	The project contains 12 units. 2. The project provides higher density infill at 12 units per acre. The average residential density of properties within 1,500 feet is 2.3 units/acre (18 units/7.8 acres)
(5) The project meets the following requirements regarding availability of affordable housing: The project would result in	

housing units being made available to moderate, low or low-income families as set forth in either A or B below: (A) The project meets one of the following criteria, and the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units as set forth below at monthly housing costs determined pursuant to paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code: 1. At least 10 percent of the housing is sold to families of moderate income, or 2. Not less than 10 percent of the housing is rented to families of low income, or 3. Not less than 5 percent of the housing is rented to families of low income. (B) If the project does not result in housing units being available as set forth in subdivision (A) above, then the project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of units that would otherwise be required pursuant to subparagraph (A).	The project will provide 100% of units to be sold to families of moderate income. (A-1).
(b) A project that otherwise meets the criteria set forth in subdivision (a) is not exempt from CEQA if any of the following occur: (1) There is a reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. (2) Substantial changes with respect to the circumstances under which the project is being undertaken that are related to the project have occurred since community-level environmental review was certified or adopted. (3) New information becomes available regarding the circumstances under which the project is being undertaken and that is related to the	There are no unusual circumstances associated with this project. No substantial changes have occurred. No new information has come available.

project that was not known, and could not have been known at the time that community-level environmental review was certified or adopted.	

Section 15332 In-Fill Development Exemption Analysis

The City Council can determine that the project to be exempt from CEQA review under **Section 15332 Infill Development**. CEQA Guideline Section 15332 identifies the Class 32 categorical exemption for projects characterized as infill development. This exemption is intended to promote infill development within urbanized areas. The class consists of environmentally benign infill projects that are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects that would result in any significant traffic, noise, air quality, or water quality effects. Such projects must meet Part 1, conditions (a) through (e), described in the analysis below:

Code Section	Compliance Analysis
(a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.	The subject parcel has a General Plan land use designation of High Density Residential and is zoned CH, which allows multifamily development with a Use Permit. The project conforms to General Plan policies and zoning regulations, with the approval of the density bonus afforded by compliance with State Density Bonus Law. As conditioned the project complies with the City's LCP.
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.	The project site is 2.6 acres. The project site is surrounded on all sides by urban uses.
(c) The project site has no value as habitat for endangered, rare or threatened species.	The project site does not contain wetlands. The project site is covered with ruderal grasslands and a few specimen trees. The project site has no value for endangered, rare or threatened species.
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.	As analyzed and conditioned throughout this report the project would not result in any significant effects on traffic, noise, air quality or water quality.
(e) The site can be adequately served by all required utilities and public services.	As analyzed and conditioned throughout this report the project can be adequately served by all utilities and public services.

Project Consistency with 15300.2 Exceptions

Application of this exemption, as all categorical exemptions, is limited by the factors

described in section 15300.2. of CEQA and, these factors have been analyzed in the table below:

15300.2 Exceptions	Analysis of Compliance with Exceptions
(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies	The project is not located in an area that has been mapped or designated as a location with an environmental resource of hazardous or critical concern by any federal, state, or local agencies.
(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.	There are no other projects in the area which would have a cumulatively significate impact with the proposed project.
(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.	As analyzed throughout this staff report the proposed project will not have a significant effect on the environment.
(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.	The project is not located adjacent to or within the view shed of a scenic highway.
(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.	A phase I report was prepared and it found no history of contamination. The site is not listed on any DTSC or RWQCB list of facilities or sites requiring remediation or in violation of a cleanup order. The site does not have any known contamination.
(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.	As noted earlier in this staff report, the project has never been developed and so could not have an adverse impact on a historic resource.

Mitigation Measures

Mitigation Measure 1. The applicant will submit a private yard landscaping plan, with each building permit for approval by the Community Development Director, that illustrates landscaping with native California trees shrubs and ground covers for 50 percent of the proposed landscaped areas (excluding turf and patios).

Mitigation Measure 2. The applicant shall not plant or allow any volunteer growth of any species of broom, pampas grass, gorse, or other species of invasive non-native plants listed on the California Invasive Plant Council (CALIPC) website on the project site.

Mitigation Measure 3. HMC shall maintain and control the common open space of the project site.

Mitigation Measure 4. HMC shall submit an outdoor lighting plan to the Director of Community Development for review and approval prior to approval of the Building Permit.

Mitigation Measure 5. Prior to issuance of the Certificate of Occupancy the City shall review for adequacy and the applicant shall record an Inclusionary Housing Regulatory Agreement per all of the requirements of section 18.32.080B with the City of Fort Bragg. The regulatory agreement will regulate two units as affordable to moderate income households, one shall be affordable to households earning 100% of Area Median Income and the other shall be affordable to households earning 120% of Area Medium Income for a minimum of 15 years.

Mitigation Measure 6. Sale of Units.

a) The City must approve a household's eligibility prior to sale on an inclusionary unit.
b) The eligibility of potential occupants of inclusionary units shall be determined on the basis of household income at the time of purchase as defined in this Chapter, the relationship between household size and the size of the available units, and any further criteria required by law and/or established by the City Council.
c) The housing developer shall use an equitable selection method in compliance with State and Federal law. Selection from eligible households shall be based on the affordable housing priorities established below:

Priority 1. Essential public service employees as defined in Article 10 (Definitions), City of Fort Bragg employees, or child care workers employed in Fort Bragg. If essential public service employees do not purchase the inclusionary units, the units shall be made available to other eligible Priority 1 applicants, prior to being made available to Priority 2 applicants.

Priority 2. Other eligible households who live in Fort Bragg and who are also employed within Fort Bragg City limits. When the list of Priority 2 applicants is exhausted, units may be sold to Priority 3 households.

Priority 3. Other eligible households.

Mitigation Measure 7: Unless a funding source restricts the equity capture provision, upon resale, the seller of a unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation, subject to the deed restriction subjecting the resale of the unit at an affordable price to a household at 80% to 120% of Arean Medium Income.

Mitigation Measure 8: Before offering an inclusionary unit for sale, the seller shall provide written notice to the Director of Community Development, by certified mail, of their intent to sell. The City or its designee shall be granted an option to purchase the unit for sale, with a maximum of 60 days to exercise the option, and a maximum of 120 days to conclude the purchase, in addition to the time for exercising the option.

Mitigation Measure 9: Prior to recordation of the Final Map, the applicant shall complete all conditions of approval that are relevant to the subdivision.

Mitigation Measure 10: After recordation of the Final Map the applicant shall record Covenants, Conditions and Restrictions (CC&Rs) to enable the County Recorder to Create Individual Titles for each housing unit.

Mitigation Measure 11: Prior to issuance of a Certificate of Occupancy, the applicant shall provide a DRE Public Report on the Condominium Plan to the Director of Public Works.

Mitigation Measure 12: Payment of Drainage, Water, Sewer, Police Facility and Fire Facility Capacity Fees will be required prior to issuance of the building permit. ***Estimated*** (Fees are shown below for the ten regular units, the two ADUs are exempt from paying capacity fees):

a. Water Capacity Fees for 10 units is estimated at $24,040.
b. Sewer Capacity Fees for 12 units is estimated at $19,800.
c. Drainage Fee is estimated at $0.75 per SF of impervious surface. At 13,455 SF of impervious, the fee is estimated to be $10,360.
d. Police Facilities Fees for approx. 12,495 SF residential space is estimated at $4,223.
e. Fire Facilities Fees for approx. 12,495 SF residential space is estimated at $2,624.

Actual fees will be determined at the time of building permit submittal and will be based on the fee schedule in effect at the time of submittal.

Mitigation Measure 13: If an independent analysis by a professional engineer determines that the existing water main in the alley is insufficient to serve the new development along with all existing connections, than a water main shall be extended to serve the property by the applicant. If feasible, the water main shall be looped into the existing water main through the alley on Madrone Street. Documentation of this analysis

may be submitted at the time of the building permit.

Mitigation Measure 14: All materials, workmanship, and construction of the utilities shall conform to the City of Fort Bragg Standard Specifications or an approved alternate. All public improvements to drainage conveyance, sewer and water systems shall be dedicated to the City.

Mitigation Measure 15: Prior to the issuance of the building permit, the final utility hookup configuration shall be approved by the Public Works Director or designated staff.

Mitigation Measure 16: The exact location of the Utility hookup configuration in the City right of way shall be approved by the by the Public Works Director or designated staff at the time of review of the encroachment permit application.

Mitigation Measure 17: The Applicant shall provide documentation that water pressures can be achieved or that they have a means (via pressure pump, tank, etc.) for enhancing their system to meet water pressure standards. Documentation may be submitted at the time of the building permit.

Mitigation Measure 18: Connection fees will be assessed if the project utilizes City forces to install water or sewer services. Fees will be based on the size and the distance of the connection and will be charged the rate in effect at the time of the building permit submittal.

Mitigation Measure 19: If the contractor installs the connection to the City water main, the work must be overseen by a certified distribution operator and all work shall be performed in compliance with water main construction standards and guidelines, including providing sufficient notice.

Mitigation Measure 20: An approved backflow device will be required on all service connections. Contact Heath Daniels at (707) 813-8031 for specific backflow information.

Mitigation Measure 21: Prior to issuance of a grading permit or building permit, the developer shall meet the following requirements:

d) Sewer cleanouts will be required on all laterals per City Standard 309-310.
e) New wastewater laterals shall connect the development to the constructed sewer main, to the satisfaction of the Director of Public Works.
f) Payment of Connection fees and Capacity fees shall be made prior to the issuance of the building permit.

Mitigation Measure 22: The applicant shall work with MTA to determine if the addition of a transit stop at the property is warranted and feasible. If a transit stop is feasible and desirable the applicant shall install a bus stop on the sidewalk at a location per the

request of MTA prior to final of the building permit.

Mitigation Measure 23. Prior to the recordation of the Condominium Subdivision Map, the following public improvement will be completed by the applicant per the direction of the Director of Public Works and according to City standards:

e) Frontage improvements (sidewalk, curb and gutter) will be required the length of Maple Street between the alley to Franklin Street.
f) The developer shall submit to the City Engineer improvement drawings for the required sidewalk improvements. The plans shall be drawn by, and bear the seal of, a licensed Civil Engineer.
g) All frontage improvements (ADA compliant driveway aprons, corner ramps, sidewalk, curb, gutter, conform paving, etc.) shall be designed and constructed according to current City Standards.
h) An encroachment permit will be required for any work in the public right of way. Please submit the application at least 2 weeks in advance of the proposed activity to allow sufficient time for processing.

Mitigation Measure 24: A final Stormwater Management Plan shall be submitted to the City of Fort Bragg for review and approval that shall include an Operations and Maintenance Plan for all regulated project components by the State NPDES Phase II MS4 and shall match the project Site Plan.

Mitigation Measure 25: The applicant shall follow the recommendations of the geotechnical report for all design and construction specifications and shall implement all recommendation related to required special inspections, grading and construction activities.

Mitigation Measure 26: On-site fire protection shall be as installed as approved by the Fire Chief. Final utility configuration shall be approved by the Public Works Director or designated staff. The applicant shall ensure adequate pressure and flow to the subject site to provide fire suppression flows. A fire hydrant shall be installed if required by the Fire Marshal.

Mitigation Measure 27: Construction activities shall occur only between the hours of 7:00 am and 7:00 pm.

Mitigation Measure 28: Addressing & Orientation. The applicant shall submit an addressing plan that includes individual house unit numbers which are readily visible, in a consistent location, and well-lit at night. The plan shall include an internal pedestrian circulation signs and a directory that shows the location of individual dwelling units within the development.